

Exhibit

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHARIF STINSON, et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

**DECLARATION OF TIFFANEY
JANOWICZ CONCERNING
CLASS MEMBER
NOTIFICATION PROGRAM**

10 Civ. 4228 (RWS)

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I, Tiffaney Janowicz, hereby declare as follows:

1. I am a Senior Vice President of Rust Consulting, Inc. ("Rust"). I submit this declaration in connection with the above-captioned matter at the request of Counsel. I make this declaration based upon my own personal knowledge, the information generally available to me at Rust, information communicated to me by other Rust employees and, if called as a witness in this action, I would be able to competently testify as to the facts set forth herein. Attached as Exhibit A is my C.V., which outlines my experience and qualifications.

2. With nearly 30 years of class action settlement administration experience, Rust is among the industry's leaders. Rust has administered more than 5,200 class action settlements, judgments, and similar administrative programs, 2,000 of which were in the past five years alone. Rust employs a permanent staff of more than 200. A C.V. outlining Rust's services and experience is attached as Exhibit B.

3. Rust handles the claims administration process for class actions of all sizes and types, including consumer, antitrust, securities, insurance, healthcare, labor and employment,

property, finance, telecom, and products liability class actions. In the past, Rust has handled claims administration in, among many other matters, the \$1.1 billion settlement in *Microsoft I-V Cases*, J.C.C.P. No. 4106 (Cal. Super. Ct. San Francisco County); the \$65 million settlement in *In re Lawn Mower Engine Horsepower Marketing and Sales Practices Litig.*, No. 2:08-md-1999, MDL No. 1999 (E.D. Wisc.); the \$316 million direct purchasers settlement in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.); the \$166 million settlement in *In re Electronic Books Antitrust Litigation*, No. 11-md-2293 (S.D.N.Y.); and the \$125 million settlement in *In re Pharmaceutical Industry Average Wholesale Price Litigation (All Class Actions Relating to Track Two Defendants)*, No. 01-CV-12257-PBS, MDL No. 1456. Rust has considerable experience in providing class action notice and administration for all class types and sizes.

4. Rust has also handled claims administration in matters involving the City of New York including, but not limited to, the related class actions entitled *Brown v. Kelly, et al.*, 05 CV 5442 (SAS) and *Casale v. Kelly*, 08 CV 2173 (SAS).

5. In many cases, notice is provided to class members through a combination of direct mail and published notice like that proposed here. The short and long form notices were drafted by counsel and reviewed by me and my staff. It is my opinion that both notices were written and designed to satisfy the requirements of Federal Rule of Civil Procedure 23 and are adequate and typical of notices in class action cases like this.

6. Rust worked with all Counsel to develop the following plan to disseminate the short and long form notices of class action settlement to the potential members of the Class in this action:

- (a) sending the short form notice and claim form via first class mail to each potential Class member;
- (b) publishing a summary notice in *El Diario La Prensa – New York City, AM New York, Caribbean Life, New York Amsterdam News, and the New York Post*;
- (c) delivering notice via banner ads to New York City IP addresses;
- (d) building and maintaining a case-specific website; and
- (e) establishing and maintaining a toll-free helpline where a combination of interactive voice response and live telephone support would be available to assist potential members of the Class.

This Notice Program is intended to provide Class members with the best notice practicable under the circumstances.

7. Rust understands that the City will provide a complete listing of the Class members including names, last known addresses, and Summons date and time information. Rust will send one direct mail notice for each Summons Incident between May 25, 2007 and the date of entry of a Preliminary Approval Order. The Notice Plan has been designed such that it will reach the vast majority of Class members and satisfy Federal Rule of Civil Procedure 23 and due process. Rust will utilize this name and address information to send the short form notice and claim form via First Class mail to the last known address of each Class member. Prior to mailing, Rust will verify the accuracy of the address information by running it through the United States Postal Service National Change of Address and Coding Accuracy Support. For records with Summons Incident dates four or more years ago, Rust will use an address tracing service to identify address updates, if any. Further, after mailing, any notices that are returned as undeliverable will go through an address trace process in an attempt to locate an alternate address. If an alternate address is located then a new notice will be mailed to the alternate address via First Class mail.

8. Rust understands that the Class members in this case are individuals who were issued Criminal Court Summons by the NYPD. Thus, in addition to sending the short form notice via direct mail, Rust will publish the short form notice in New York City newspapers as follows:

- A 9.81" x 5.42" Spanish language ad will appear for one week in *El Diario La Prensa* – New York City, with an estimated circulation of 50,000;
- A one-sixth page English language ad will appear for one week in the *New York Post*, with an estimated circulation of 497,878;
- A four column (6.157") x 7.62" English language ad will appear for one week in *AM New York* with an estimated circulation of 245,230;
- A three column (6.4385") x 7" English language ad will appear for one week in the *New York Amsterdam News* with an estimated circulation of 7,843; and
- A one-half page English language ad will appear for one week in *Caribbean Life* (NY) with an estimated circulation of 61,731;

and banner ads will be delivered on a rotating basis to New York City IP addresses on the following online networks:

- *Facebook.com* – free, global social networking website that helps people communicate with friends, family, and coworkers; and
- Viant network – network consisting of premium websites that cover topics such as news, entertainment, and sports.

9. Both the short and long form notices will contain the URL for a case-specific website that Rust will establish and maintain. This case-specific, neutral, informational, notice website will provide potential Class members access and links to the short and long form notices and other key documents from the case. The website will also contain important dates, answers to commonly asked questions concerning the case and contact information.

10. Both the short and long form notices will also contain a toll-free telephone number that Rust will establish and maintain (the “helpline”). The helpline will utilize interactive voice response and live operators to provide callers with pertinent information from the short and long form notice plus answers to commonly asked questions in English. The toll-free number would also be referenced on the case-specific website.

11. Rust will also receive and process all written correspondence and requests for exclusion from potential members of the Class. As part of this process, Rust will establish a P.O. Box to receive administrative mail, claim forms and requests for exclusion. This P.O. Box will also be used as the return address for all mail. All requests for exclusion received by Rust would be processed and reported to Counsel.

12. At the conclusion of the notification program outlined herein, Rust will prepare a declaration that summarizes the work Rust has performed and relevant statistics related to this notice process.

I declare that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of January, 2017.



Tiffaney Janowicz